

In the claims: Please amend the claims as follows. This listing of the claims replaces all previous listings.

1. (Currently amended) A method for use by a user equipment device and Node Bs of a wireless telecommunication system, the method for enabling Node B based control during soft handover of the maximum data rate allowed for uplink by the user equipment device as indicated by a pointer in the user equipment device, the soft handover resulting in a change of a controlling Node B from a first one of the Node Bs to a second one of the Node Bs, each of the Node Bs for providing commands for control of user equipment devices in at least one respective cell so that scheduling control of the user equipment device in soft handover is simultaneously in at least two cells each possibly controlled by a different one of the Node Bs, the method comprising:

the user equipment device signaling in an uplink, information indicating one of the cells as a scheduling cell;

each Node B receiving the uplink indicating one of the cells as the scheduling cell and able to provide scheduling commands, determining whether it is in control of the scheduling cell, and issuing scheduling commands for controlling the pointer in the user equipment device if it is in control, but issuing no such commands if it determines it is not in control of the scheduling cell.

2. (Previously presented) The method of claim 1, further comprising:

the user equipment device and also the Node B in control of the scheduling cell each synchronizing a respective pointer for indicating the maximum allowed uplink data rate for the user equipment device to a value according to a synchronization procedure.

3. (Currently amended) The method of claim 2, wherein according to the synchronization procedure, the Node B sets the pointer ~~it~~ the Node B maintains to the data rate used in the uplink of the information indicating the scheduling cell.
4. (Currently amended) The method of claim 2, wherein according to the synchronization procedure, the Node B sets the pointer ~~it~~ the Node B maintains to a predetermined value.
5. (Previously presented) The method of claim 2, wherein according to the synchronization procedure, both the Node B and the user equipment device set their respective pointers according to predetermined criteria.
6. (Currently amended) The method of claim 2, wherein according to the synchronization procedure, the Node B sets the pointer ~~it~~ the Node B maintains to a value ~~it~~ the Node B selects and explicitly signals the value to the user equipment device.
7. (Currently amended) The method of claim ~~241~~, wherein according to the synchronization procedure, the Node B sets the pointer ~~it~~ the Node B maintains to the data rate used in the uplink of the information indicating the scheduling cell or to a predetermined value, whichever is greater.
8. (Currently amended) The method of claim ~~140~~, wherein the ~~Node B-based control~~ issuing of scheduling commands is provided using differential signaling.
9. (Currently amended) The method of claim ~~140~~, wherein the ~~Node B-based control~~ issuing of scheduling commands is provided using explicit signaling.
10. (Previously presented) A user equipment device, comprising:

means for wirelessly communicating with Node Bs of a radio access network in a wireless communication system;

a pointer for indicating a maximum allowed rate of uplink to the wireless communication system;

means for adjusting the pointer responsive to scheduling commands received from a Node B controlling a cell in which the user equipment device is located; and

means for uplinking information indicating as a scheduling cell a particular cell from among a plurality of cells involved in a soft handover, each cell possibly controlled by a different Node B.

11. (Currently amended) A user equipment device as in claim 10, wherein the user equipment device comprises:

means for selecting as ~~a~~ the scheduling cell a particular cell from among a plurality of cells involved in a soft handover.

12. (Previously presented) A user equipment device as in claim 10, wherein the user equipment device comprises:

means for determining whether scheduling commands are sent by the Node B controlling the scheduling cell and for disregarding all scheduling commands sent by other than the Node B controlling the scheduling cell.

13. (Previously presented) A user equipment device as in claim 10, wherein the user equipment device further comprises:

means for synchronizing the pointer to a corresponding pointer in the Node B controlling the scheduling cell.

14. (Currently amended) A user equipment device as in claim 13, wherein for synchronization, the user equipment device sets the pointer ~~it~~ the user equipment device maintains to the data rate

used in the uplink of the information indicating the scheduling cell.

15. (Currently amended) A user equipment device as in claim 13, wherein for synchronization, the user equipment device sets the pointer ~~it~~ the user equipment device maintains to a predetermined value.

16. (Currently amended) A user equipment device as in claim 13, wherein for synchronization, the user equipment device sets the pointer ~~it~~ the user equipment device maintains according to predetermined criteria.

17. (Currently amended) A user equipment device as in claim 13, wherein for synchronization, the user equipment device sets the pointer ~~it~~ the user equipment device maintains to a value explicitly signalled by the Node B.

18. (Currently amended) A user equipment device as in claim 13, wherein for synchronization, the user equipment device sets the pointer ~~it~~ the user equipment device maintains to the data rate used in the uplink of the information indicating the scheduling cell or to a predetermined value, whichever is greater.

19. (Previously presented) A Node B comprising:

means for wirelessly communicating with a user equipment device as an element of a radio access network of a wireless communication system; and

means for determining when to assume control of scheduling of the user equipment device and when to cease control of scheduling of the user equipment device based on information uplinked by the user equipment device indicating as a scheduling

cell a particular cell from among a plurality of cells involved in a soft handover.

20. (Currently amended) The Node B of claim 19, further comprising:

a pointer ~~it~~ the Node B maintains indicating a maximum allowed rate of uplink by the user equipment device; and

means by which the Node B synchronizes to the pointer in the user equipment device the pointer ~~it~~ the Node B maintains for indicating the maximum allowed uplink data rate for the user equipment device.

21. (Currently amended) The Node B of claim 20, wherein for synchronization, the Node B sets the pointer ~~it~~ the Node B maintains to the data rate used in the uplink of the information indicating the scheduling cell.

22. (Currently amended) The ~~Node B~~ apparatus of claim 2036, wherein for synchronization, the Node B sets the pointer ~~it~~ the Node B maintains to a predetermined value.

23. (Currently amended) The ~~Node B~~ apparatus of claim 2036, wherein for synchronization, the Node B sets ~~its~~ the Node B's pointer according to predetermined criteria.

24. (Currently amended) The ~~Node B~~ apparatus of claim 2036, wherein for synchronization, the Node B sets the pointer ~~it~~ the Node B maintains to a value it selects and explicitly signals the value to the user equipment device.

25. (Currently amended) The ~~Node B~~ apparatus of claim 2036, wherein for synchronization, the Node B sets the pointer ~~it~~ the Node B maintains to the data rate used in the uplink of the

information indicating the scheduling cell or to a predetermined value, whichever is greater.

26. (Previously presented) A system, comprising a plurality of user equipment devices and a plurality of Node Bs, wherein the user equipment device is as recited in claim 10.

27. (Previously presented) A system, comprising a plurality of user equipment devices and a plurality of Node Bs, wherein at least two of the Node Bs are as recited in claim 19.

28. (Currently amended) A ~~computer program product comprising:~~ a computer readable storage medium embodying computer program code thereon for execution by a computer processor in a user equipment device, and a plurality of second computer readable storage media embodying computer program code thereon for execution by computer processors in a plurality of Node Bs, wherein said computer program ~~product~~ code is configured for:

enabling Node B based control during soft handover of a maximum data rate allowed for uplink by the user equipment device as indicated by a pointer in the user equipment device, the soft handover resulting in a change of a controlling Node B from a first one of the Node Bs to a second one of the Node Bs, each of the Node Bs for providing commands for control of user equipment devices in at least one respective cell so that scheduling control of the user equipment device in soft handover is simultaneously in at least two cells each possibly controlled by a different one of the Node Bs, wherein

the user equipment device ~~signaling~~ is configured to signal in an uplink, information indicating one of the cells as a scheduling cell; and

each Node B ~~receiving~~ is configured to receive the uplink indicating one of the cells as the scheduling cell and able to provide scheduling commands, determining whether it is in control of the scheduling cell, and issuing scheduling commands for controlling the pointer in the user equipment device if it is in control, but issuing no such commands if it determines it is not in control of the scheduling cell.

29. (Cancelled)

30. (Currently amended) An apparatus ~~for use by a user equipment device~~, comprising:

~~a pointer for indicating a maximum allowed rate of uplink to a Node B of a wireless communication system controlling a cell in which the user equipment device is located;~~

means for adjusting ~~the~~ a pointer in response to received scheduling commands, wherein the pointer is configured to indicate a maximum allowed rate of uplink to a Node B of a wireless communication system controlling a cell in which a user equipment device is located ~~received from the Node B~~; and

means for uplinking information indicating as a scheduling cell either the cell controlled by the Node B or a cell controlled by another Node B to which ~~the user equipment is being handed over~~ scheduling control is being transferred in soft handover.

31. (Currently amended) An apparatus ~~for use by a Node B of a wireless communication system~~, comprising:

~~a pointer for indicating a maximum allowed rate of uplink to the Node B by a user equipment device located in a cell controlled by the Node B;~~

means for providing scheduling commands to the user equipment device for adjusting a corresponding pointer in the user equipment device, the means for providing scheduling commands comprising a pointer for indicating a maximum allowed rate of uplink to a Node B by a user equipment device located in a cell controlled by the Node B; and

means for determining whether to provide the scheduling commands based on information uplinked by the user equipment device indicating as a scheduling cell either the cell controlled by the Node B or a cell controlled by another Node B to which or from which ~~the user equipment is being handed over~~ scheduling control is being transferred in soft handover.

32. (Currently amended) An apparatus ~~for use by a user equipment device~~, comprising:

~~a pointer for indicating a maximum allowed rate of uplink to a Node B of a wireless communication system controlling a cell in which the user equipment device is located; and~~

a processor, configured to:

adjust ~~the~~ a pointer in response to received scheduling commands, wherein the pointer is configured to indicate a maximum allowed rate of uplink to a Node B of a wireless communication system controlling a cell in which a user equipment device is located; ~~received from the Node B;~~ and

uplink information indicating as a scheduling cell either the cell controlled by the Node B or a cell controlled by another Node B to which ~~the user equipment is being handed over~~ scheduling control is being transferred in soft handover.

33. (Currently amended) ~~A user equipment device~~ An apparatus as in claim 32, wherein the processor is further configured to:

select as a scheduling cell a particular cell from among a plurality of cells involved in a soft handover.

34. (Currently amended) ~~A user equipment device~~An apparatus as in claim 32, wherein the processor is further configured to:

determine whether scheduling commands are sent by the Node B controlling the scheduling cell and to disregard all scheduling commands sent by other than the Node B controlling the scheduling cell.

35. (Currently amended) ~~An apparatus for use by a Node B of a wireless communication system, comprising:~~

~~a pointer for indicating a maximum allowed rate of uplink to the Node B by a user equipment device located in a cell controlled by the Node B;~~

a processor, configured to:

provide scheduling commands to the user equipment device for adjusting a corresponding pointer in the user equipment device, the scheduling commands comprising a pointer for indicating a maximum allowed rate of uplink to a Node B by a user equipment device located in a cell controlled by the Node B; and

determine whether to provide the scheduling commands based on information uplinked by the user equipment device indicating as a scheduling cell either the cell controlled by the Node B or a cell controlled by another Node B to which or from which ~~the user equipment is being handed over~~ scheduling control is being transferred in soft handover.

36. (Previously presented) An apparatus as in claim 35, wherein the processor is further configured to:

synchronize to the corresponding pointer in the user equipment device the pointer in the Node B.

37. (Previously presented) An apparatus as in claim 36, wherein the processor is further configured so that for synchronization, the pointer in the Node B is set to the data rate used in the uplink of the information indicating the scheduling cell.

38. (Currently amended) A method ~~for use by a user equipment in soft handover from a cell controlled by a Node B to another cell controlled by another Node B~~, comprising:

signaling in an uplink during soft handover from a first cell controlled by a first Node B to a second cell controlled by a second Node B information indicating one of the ~~cells~~ first cell and second cell as a scheduling cell and so indicating one of the ~~Node Bs~~ first Node B and second Node B as the scheduling Node B; and

receiving from the scheduling Node B scheduling commands for controlling a pointer in ~~the~~ a user equipment device indicating a maximum allowed data rate for uplink.

39. (Previously presented) The method of claim 38, further comprising:

synchronizing the pointer to a corresponding Node B pointer maintained by the scheduling Node B, according to a synchronization procedure, and in synchronizing the pointer, the pointer is either set to the data rate used in the uplink of the information indicating the scheduling cell, or is set according to predetermined criteria, or is set to a value signaled by the scheduling Node B.

40. (Currently amended) A method ~~for use by a Node B in communication with a user equipment device in soft handover to the Node B or from the Node B to another Node B~~, comprising:

receiving, by a Node B, in an uplink ~~from the user equipment~~
information indicating a cell as a scheduling cell;

determining whether the cell indicated as the scheduling
cell is a cell controlled by the Node B; and

issuing scheduling commands for controlling a pointer in ~~the~~
a user equipment device indicating a maximum allowed data rate
for uplink but only if the cell indicated as the scheduling cell
is a cell controlled by the Node B.

41. (Previously presented) The method of claim 40, further
comprising:

synchronizing a pointer in the Node B to the pointer in the
user equipment device, according to a synchronization procedure,
and in synchronizing the pointers, the Node B pointer is either
set to the data rate used in the uplink of the information
indicating the scheduling cell, or is set according to
predetermined criteria, or is set to a value selected by the Node
B and the Node B signals the selected value to the user equipment
device.

42. (Currently amended) A system, comprising

a plurality of user equipment terminals, wherein each user
equipment device comprises a processor, configured to:

adjust a pointer in response to received scheduling
commands, wherein the pointer is configured to indicate a
maximum allowed rate of uplink to a Node B of a wireless
communication system controlling a cell in which a user
equipment device is located; and

uplink information indicating as a scheduling cell
either the cell controlled by the Node B or a cell
controlled by another Node B to which scheduling control is
being transferred in soft handover;-and

a plurality of Node Bs, wherein ~~each user equipment device is as recited in claim 32,~~ and each of the Node Bs includes an apparatus comprising:

a pointer for indicating a maximum allowed rate of uplink to the Node B by a user equipment device located in a cell controlled by the Node B;

a processor, configured to:

provide scheduling commands to the user equipment device located in a cell controlled by the Node B, for adjusting a corresponding pointer in the user equipment device; and

determine whether to provide the scheduling commands based on information uplinked by the user equipment device indicating as a scheduling cell either the cell controlled by the Node B or a cell controlled by another Node B to which or from which ~~the user equipment is being handed over~~ scheduling control is being transferred in soft handover.

43. (Previously presented) A system as in claim 42, wherein the processor is further configured to:

synchronize a pointer in the Node B to the pointer in the user equipment device, according to a synchronization procedure, and in synchronizing the pointers, the Node B pointer is either set to the data rate used in the uplink of the information indicating the scheduling cell, or is set according to predetermined criteria, or is set to a value selected by the Node B and the Node B signals the selected value to the user equipment device.